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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,739	02/20/2004	Benjamin A. Knott	064198.0186	6594
31625	7590	04/04/2006	EXAMINER	
BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/783,739	KNOTT ET AL.	
	Examiner Olisa Anwah	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 January 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 2,10,14,15 and 19 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-9,11-13,16-18,20 and 21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-9, 11-13, 16-18, 20 and 21 are rejected under 35 U.S.C § 103(a) as being unpatentable over Beyda et al, U.S. Patent No. 6,487,277 (hereinafter Beyda) in view of Doyle, U.S. Patent Application Publication No. 2005/0171775 (hereinafter Doyle).

Regarding claim 21, Beyda discloses an information delivery system, comprising:

a menu generation module operable to generate a menu of user options (see abstract) and;

an analyzer module operable to access a user utterance glossary to associate selected terms in user utterances with user options selected from the menu in response to the user utterances (see column 9).

Further regarding claim 21, nowhere does Beyda teach the analyzer module is operable to update the user utterance glossary with selected user utterance terms. Regardless, Doyle teaches this limitation (see paragraph 0026). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda with the analyzer module of Doyle. This modification would have improved the user friendliness of Beyda by allowing frequent out-of-grammar utterances to be recognized as suggested by Doyle (see paragraph 0026).

Regarding claim 11, see the abstract of Beyda.

Regarding claim 12, see Figure 3 of Beyda.

Regarding claim 13, see Figure 5 of Beyda.

Regarding claim 16, Beyda discloses software for maintaining an option selection menu, the software embodied in computer readable media and when executed operable to:

ascertain a selection frequency for a plurality of menu options (see 1004 from Figure 10);

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generate a current menu of options for presentation to a user based on menu option selection frequency (see 1008 from Figure 10);

present the menu of options for user selection therefrom (see 404 from Figure 5);

identify an option selection of the user including comparing one or more aspects of a user utterance with a user utterance selection glossary (see 406 from Figure 5);

record the selection of the user in a selection frequency record associated with the user selection (see 408 from Figure 5); and

associate one or more terms of the user utterance with a menu option task classification (see Figure 5).

Further regarding claim 16, nowhere does Beyda teach update the user utterance option selection glossary with the one or more associated terms. Regardless, Doyle teaches this limitation (see paragraph 0026). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda with the analyzer module of Doyle. This modification would have improved the user friendliness of Beyda by allowing frequent out-of-grammar utterances to be recognized as suggested by Doyle (see paragraph 0026).

Regarding claim 17, see Figure 5 of Beyda.

On the issue of claim 18, Beyda falls short of explaining the software is further operable to update the current menu of options when the current menu of options fails to identify menu options most likely to be selected by a user. Nonetheless, Doyle discloses this feature (see paragraphs 0026). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda with the analyzer module of Doyle. This modification would have improved the efficiency of Beyda by automatically improving a voice recognition system as suggested by Doyle (see paragraphs 0009 and 0010).

Regarding claim 20, see Figure 3 of Beyda.

With respect to claim 1, Beyda teaches a method for effecting a speech-enabled menu, comprising:

defining a menu of options to respond to a caller request for information, the options in the menu each having a corresponding information classification (see 1008 from Figure 10);

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presenting the menu of options to the caller (see abstract);

prompting for selection of a menu option via a caller voice utterance (see 404 from Figure 5);

analyzing the caller voice utterance, including comparing one or more aspects of the caller voice utterance with a voice utterance glossary, to identify a selected menu option (see column 9); and

associating one or more terms from the caller voice utterance with the information classification corresponding to the selected menu option (see Figure 5).

Further regarding claim 1, nowhere does Beyda teach updating the voice utterance glossary with one or more terms associated with the information classification corresponding to the selected menu option. Regardless, Doyle teaches this limitation (see paragraph 0026). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda with the analyzer module of Doyle. This modification would have improved the user friendliness of Beyda by allowing frequent out-of-grammar utterances to be recognized as suggested by Doyle (see paragraph 0026).

As per claim 3, see abstract of Beyda.

As per claim 4, see abstract of Beyda.

As per claim 5, see Figure 3 of Beyda.

As per claim 6, see column 9 of Beyda.

Regarding claim 7, see Figure 10 of Beyda.

Regarding claim 8, see abstract of Beyda.

Regarding claim 9, neither Beyda nor Doyle reveal the claimed prompting and updating limitations. However "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Beyda and Doyle with prompting the caller for feedback regarding caller experience with the menu of options and updating one or more aspects of menu content based on caller feedback. This modification would have improved the user friendliness of Beyda by allowing frequent out-of-grammar utterances to be recognized as suggested by Doyle (see paragraph 0026).

Response to Arguments

3. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

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Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

OA
Olisa Anwah
Patent Examiner
March 27, 2006


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600